



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI - 64106

Mr. Leonard Rettig, Chief Engineer - Construct
Amana Refrigeration, Inc.
Amana, Iowa 52204

EPA ID No. IAD000610436
Facility location: Amana Refrigeration, Inc.
Middle, Iowa 52307

Dear Mr. Rettig:

We are conducting a technical review of your Resource Conservation and Recovery Act (RCRA) Hazardous Waste Part A permit application. In order to complete our review we are requesting clarification on several items.

1. Your application lists wastes which the Agency has temporarily suspended from the lists of hazardous wastes published under 40 CFR 261.31, Hazardous Waste from Nonspecific Sources and 40 CFR 261.32, Hazardous Waste from Specific Sources. The wastes that are temporarily suspended from the list are paint wastes (EPA hazardous waste numbers F017, F018, K078, K079, K081, K082), spent potliners from primary aluminum production (K088), and emission control dust or sludge from ferrochromium or ferrochromium-silicon production (K090, K091). This temporary suspension was published as an amendment to 40 CFR 261.31 and 40 CFR 261.32 in the Federal Register on January 16, 1981. The wastes have been temporarily suspended as "listed" hazardous wastes until further study has been conducted to determine if the original criteria for listing the wastes were overly broad, resulting in the regulation of both hazardous and nonhazardous wastes.

However, wastes which exhibit any of the hazardous waste characteristics (i.e., reactivity, ignitability, corrosivity, and EP toxicity) as defined in 40 CFR Part 261 remain subject to regulation under the Resource Conservation and Recovery Act (RCRA).

Under RCRA, permit applicants are responsible for determining if the wastes they handle are hazardous. Therefore, you should determine if your wastes with the waste numbers F017 and F018 exhibit any of the hazardous waste characteristics as defined in 40 CFR Part 261. Ignitability and EP toxicity are characteristics which would most likely cause your wastes to be defined as hazardous waste. Please provide us with information regarding your determination so that we can proceed with processing your application. If



R00003007
RCRA Records Center

your wastes are not hazardous, you should amend your application by removing the wastes and associated design capacities.

2. Your application lists hazardous waste number U229. The November 25, 1980, Federal Register changed this hazardous waste number to U121. You should amend your application appropriately.
3. Please note that the "Form Attached" column must be checked when the "Yes" column is checked in item II of Form 3510-1.
4. The storage design capacity reported for your containers in Section 3 of your application is inconsistent with the quantities of wastes listed in Section 4. The S01 design capacity is listed at 42,900 gallons, however, annual S01 storage is about 405,066 gallons assuming 7.5 lb/gal. The design capacity should reflect the total number of gallons that can be properly stored in the hazardous waste storage area.
5. Under 40 CFR 122.21(d), 264.1(g), and 265.1(c), owners or operators of wastewater treatment units as defined below are exempt from the requirements of Parts 122, 264, and 265.

"Wastewater treatment unit" means a device which:
(1) is part of a wastewater treatment facility which is subject to regulation under either Section 402 or 307(b) of the Clean Water Act; (2) receives and treats or stores an influent wastewater or sludge which is a hazardous waste as defined in 40 CFR 261.3, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 40 CFR 261.3; and (3) meets the definition of tank in 40 CFR 260.10.

If you concur that your T01 treatment unit qualifies under the above exemption, please amend your application and notification as appropriate. However, please note that regulations were proposed on November 17, 1980, which would make this treatment unit subject to regulation under 40 CFR Part 266. If this treatment unit becomes subject to further regulation in the future, you will need to meet the additional requirements imposed at that time.

The above exemption from 40 CFR Parts 122, 264, and 265 applies only to the wastewater treatment units at your facility. It also does not exempt you from any applicable generator or transporter requirements in 40 CFR Parts 262 and 263. The actual waste streams discharged directly as a point source discharge or to a publicly-owned treatment works would be subject to regulation under Section 402 or 307(b), respectively, of the Clean Water Act. Your discharge would have to comply with the National Pollutant Discharge Elimination System (NPDES) permit or pretreatment standards, whichever is applicable, for your facility.

I am enclosing a blank Part A permit application. When submitting a revised permit application, please resubmit in its entirety each item on the application for which changes are requested. In addition, Items I and IX (and Item X if applicable) must be completed. It is not necessary to resubmit information for other items that will not change. Please return the amended Part A permit application form to Mr. Dennis Degner, U.S. Environmental Protection Agency, Region VII, 324 East Eleventh Street, Kansas City, Missouri 64106, within 30 days of receipt of this letter. Because of the changes noted above, you may want to amend your notification form. A blank notification form is enclosed to assist you in updating your notification data. When submitting a revised notification form, please check the box "subsequent notification" and resubmit in its entirety each item on the notification form. A copy of any amended forms should also be sent to the Iowa Department of Environmental Quality. If you have any questions, please contact Mr. Degner at (816) 374-6531.

Sincerely,

U.S. ENVIRONMENTAL PROTECTION AGENCY

Lynn Harrington

Lynn Harrington
Chief, Permits Section
Waste Management Branch

LH/vss

Enclosure

cc: R. Kolpa (IDEQ)